IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CRIMINAL CASE NO. 1:08CR55-RLV-DCK

UNITED STATES OF AMERICA,)
vs.)) <u>ORDEF</u>)
EDWARD WILLIAM WAHLER,)))

THIS MATTER IS BEFORE THE COURT on the "Demand For Discovery" (Document No. 58) filed by the *pro se* Defendant, Edward William Wahler, on October 17, 2008. In his filing, the Defendant demands

that this court order plaintiff to produce all discovery materials, Jenks materials, in the nature of FRCrimP Rule 16 and 18 USC 3500 for the purpose of review of the nature and cause of the charges alleged in line with defendant's right to due process and for purposes of appeal.

After careful consideration, the Court will deny the Defendant's motion as moot. The Court has previously filed its "Standard Criminal Discovery Order" (Document No. 15) on June 20, 2008, setting out its expectations regarding discovery. Moreover, the Court also understands the Government is observing its usual "open-file policy" in this matter. Accordingly, it appears the Defendant's discovery concerns are being addressed.

IT IS THEREFORE ORDERED that the "Demand For Discovery" (Document No. 58) is **DENIED AS MOOT**.

Signed: December 12, 2008

David C. Keesler

United States Magistrate Judge